

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

American Society for Testing and  
Materials; National Fire Protection  
Association, Inc.; American Society  
of Heating, Refrigerating, and Air-  
Conditioning Engineers, Inc.,

*Plaintiffs - Appellants*

v.

Public.Resource.Org, Inc.,

*Defendant - Appellee*

No. 22-7063

**APPELLANTS' UNOPPOSED MOTION FOR LEAVE TO PERMIT  
ADDITIONAL COUNSEL TO PRESENT ARGUMENT**

The Court's March 7, 2023 *per curiam* Order allots 15 minutes of argument time per side and allows each side to have one counsel argue the case.

Counsel for National Fire Protection Association, Inc., Kelly Klaus, will argue on behalf of Plaintiffs and is filing Form 72 with the Clerk of the Court.

Pursuant to D.C. Circuit Rule 27 and 34 and Federal Rule of Appellate Procedure 27, Plaintiffs - Appellants respectfully move for

leave to allow counsel for American Society for Testing and Materials d/b/a ASTM International (“ASTM”), J. Kevin Fee, to be heard at oral argument, in addition to Mr. Klaus. Plaintiffs respectfully submit that good cause exists to grant this motion because: there are 191 ASTM works in issue; counsel for ASTM would only present argument if there is a question from the panel or an issue specific to ASTM for which its own counsel would be best positioned to provide ASTM’s response; and counsel does not intend for this request to enlarge the total time for Plaintiffs to present argument. Plaintiffs further believe that Public.Resource.Org, Inc. will not be prejudiced. Moreover, Plaintiffs have contacted Public.Resource.Org’s counsel, which has stated that it does not oppose this motion.

Dated: March 08, 2023

Respectfully submitted,

s/J. Kevin Fee

J. KEVIN FEE

JANE W. WISE

DLA PIPER US LLP

500 Eighth Street, NW

Washington, DC 20004

T. 202.799.4441

F. 202.799.5441

kevin.fee@us.dlapiper.com

jane.wise@us.dlapiper.com

Stanley J. Panikowski

DLA PIPER LLP (US)  
401 B Street, Suite 1700  
San Diego, CA 92101  
Tel: (619) 699-2700  
stanley.panikowski@us.dlapiper.com

*Counsel for Plaintiff-Appellant  
American Society for Testing and  
Materials d/b/a ASTM International*

Dated: March 8, 2023

s/Kelly M. Klaus

KELLY M. KLAUS  
MUNGER, TOLLES & OLSON LLP  
560 Mission St., 27th Floor  
San Francisco, CA 94105  
T. 415.512.4000  
kelly.klaus@mto.com

ROSE L. EHLER  
MUNGER, TOLLES & OLSON LLP  
350 South Grand Ave., 50th Floor  
Los Angeles, CA 90071  
T. 213.683.9100  
rose.ehler@mto.com

RACHEL G. MILLER-ZIEGLER  
MUNGER, TOLLES & OLSON LLP  
601 Massachusetts Ave. NW, Suite 500E  
Washington, DC 20001  
T. 202.220.1100  
rachel.miller-ziegler@mto.com

*Counsel for Plaintiff-Appellant National  
Fire Protection Association, Inc.*

Dated: March 8, 2023

s/David P. Mattern

JEFFREY S. BUCHOLTZ  
DAVID P. MATTERN

KING & SPALDING LLP  
1700 Pennsylvania Avenue, NW  
Ste. 200  
Washington, DC 20006-4707  
T. 202.737.0500  
jbucholtz@kslaw.com  
dmattern@kslaw.com

*Counsel for Plaintiff-Appellant American  
Society of Heating, Refrigerating, and  
Air-Conditioning Engineers, Inc.*

## CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Fed. R. App. P. 27(d)(2) because this document contains 212 words as measured by the word-processing system used to prepare this brief, excluding exempted parts.

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface in 14 point font.

Dated: March 8, 2023

*s/J. Kevin Fee*  
J. Kevin Fee

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 8th day of March, 2023, a true and correct copy of APPELLANTS' UNOPPOSED MOTION FOR LEAVE TO PERMIT ADDITIONAL COUNSEL TO PRESENT ARGUMENT was electronically filed through the CM/ECF system, which caused all parties to be served by electronic means.

Dated: March 8, 2023

s/J. Kevin Fee  
J. Kevin Fee